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10 Attorneys for Defendant
11 TOSHIBA AMERICA INFORMATION SYSTEMS, INC.

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA
15
16 SAN FRANCISCO DIVISION
17

18 MICHAEL SIMON, individually, and on
19 behalf of all others similarly situated,

20 Plaintiffs,

21 vs.

22 TOSHIBA AMERICA, INC., a Delaware
23 corporation, and TOSHIBA AMERICA
24 INFORMATION SYSTEMS, INC., a
25 California corporation,

26 Defendants.
27
28

Case No. C07-06202 MHP

**JOINT STIPULATION TO CONTINUE
LITIGATION DEADLINES; [PROPOSED]
ORDER THEREON**

Honorable Marilyn H. Patel
Courtroom 15

1 WHEREAS, plaintiff Michael Simon and defendant Toshiba America Information
2 Systems, Inc. ("TAIS") are continuing to explore the possibility of an early resolution of this
3 matter;

4 WHEREAS, consistent with those efforts, the parties have had numerous discussions,
5 informally exchanged information, and conducted two in-person meetings;

6 WHEREAS, as a result of those efforts, the parties have recently exchanged settlement
7 proposals and are currently engaged in settlement negotiations;

8 WHEREAS, the parties have made significant progress toward a settlement-in-principle in
9 recent weeks;

10 WHEREAS, given and to facilitate the parties' ongoing settlement efforts, and to avoid
11 the time and expenses associated with full-blown litigation that may become unnecessary, the
12 parties desire to continue to stay the litigation activity in this case and further continue TAIS's
13 deadline to respond to the Complaint and the Rule 26 Joint Report for two weeks;

14 WHEREAS, if the parties are able to reach an early resolution of this action, they may
15 seek to further extend the litigation deadlines, subject to Court approval;

16 WHEREAS, the parties will prepare and file a Joint Status Conference Statement with the
17 Court no later than June 30, 2008, and report the settlement progress to the Court at the currently
18 scheduled Case Management Conference on July 7, 2008, at 3:00 p.m.;

19 NOW, THEREFORE, IN LIGHT OF THE FOREGOING, IT IS HEREBY
20 STIPULATED AND AGREED by and between plaintiff, on the one hand, and TAIS on the other
21 hand, by and through their respective undersigned counsel, as follows:

22 1. The parties will file a Joint Status Conference Statement with the Court no later
23 than June 30, 2008, and report the status of the ongoing settlement negotiations at the currently
24 scheduled Case Management Conference on July 7, 2008, at 3:00 p.m.;

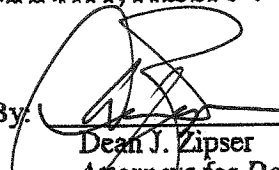
25 2. The deadline for TAIS to file and serve its initial response to the First Amended
26 Complaint shall be extended to and including July 10, 2008;

27 3. The deadline for the parties to submit the Rule 26 Joint Report shall be extended to
28 and including July 14, 2008;

4. This Stipulation may be executed in counterparts, each of which shall be deemed an original, but both of which, when taken together, shall constitute one and the same instrument. Executed signature pages of this Stipulation transmitted by facsimile shall be accepted by the parties hereto and the Court as though they were original signature pages.

Dated: June 25, 2008

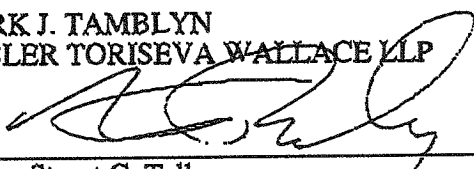
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By: 
Dean J. Zipser
Attorneys for Defendant
TOSHIBA AMERICA INFORMATION
SYSTEMS, INC.

Dated: June _____, 2008

STUART C. TALLEY
KERSHAW, CUTTER & RATINOFF LLP

MARK J. TAMBLYN
WESLER TORISEVA WALLACE LLP

By: 
Stuart C. Talley
Attorneys for Plaintiff MICHAEL SIMON

ORDER

Based on the foregoing stipulation of the parties and good cause appearing therefor:

1. The parties will file a Joint Status Conference Statement with the Court no later than June 30, 2008, and report the status of the ongoing settlement negotiations at the currently scheduled Case Management Conference on July 7, 2008, at 3:00 p.m.;

2. The deadline for TAIS to file and serve its initial response to the First Amended Complaint shall be extended to and including July 10, 2008;

3. The deadline for the parties to submit the Rule 26 Joint Report shall be extended to and including July 14, 2008.

IT IS SO ORDERED:

Dated: July 3, 2008

By: _____

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